

Applicants would like to thank the Examiner for the careful consideration given the present application. The application has been carefully reviewed in light of the Office action, and amended as necessary to more clearly and particularly describe and claim the subject matter which applicants regard as the invention.

Claims 1-25 remain in this application.

The Examiner objects to Figures 2-4 as being prior art but not being so labeled. The proposed drawing amendments have been submitted for the examiner's approval.

The Examiner objected to claims 23 and 25 as being allowable if made independent.

Claims 1-15 and 18-21 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite. For the following reasons, the rejection is respectfully traversed.

First, independent claims 1, 14, and 16, along with various dependent claims, have been amended to clarify the claim language.

Furthermore, applicant disputes that the claims require a step of defining a stimulation, as requested by the Examiner. Instead, applicant makes clear that the stimulation need merely be "predefined" (i.e., defined before use). It is not necessary that any step of defining the stimulation be made a part of the claims.

Finally, applicant disputes that the alternative language originally used in claim 16 is in any way generally improper (see, for example, MPEP §2173.05(h): "Alternative expressions are permitted if they present no uncertainty or ambiguity with respect to the question of scope or clarity of the claims", for example). However, applicant has amended the claim to remove the alternative language.

Accordingly, the rejections for indefiniteness should be withdrawn as being either moot or improper.

Claims 16, 17, 22, and 24 were rejected under 35 U.S.C. §102(b) as being anticipated by Okabe *et al.* ("Headphone Response on Real Ears and a Head and Torso Simulator"). For the following reasons, the rejection is respectfully traversed.

Claim 16, as amended, recites that “an acoustic resistor is arranged between the speaker and an exit opening in a connecting channel to the microphone”. Okabe does not suggest such a placement of an acoustic resistor. The Examiner points to Figs. 3 and 4 for showing a frequency response, but there is no suggestion of the use of any acoustic resistor in the Okabe circuit of Fig. 2. In an introduction section, Okabe discusses prior art of an ear simulator terminating in a simple resistance element, as cited by the Examiner. However, there is no suggestion to place a resistor “between the speaker and an exit opening in a connecting channel to the microphone” as explicitly claimed. In fact, the language “terminating”, which implies an “end” not a “between”, clearly teaches away from the claim language.

Accordingly, claim 16, and thus claims 17, 22, and 24, are all patentable over the reference.

The remaining claims have been addressed to overcome the rejections and/or objections by the Examiner, and thus are also in a condition for allowance as suggested by the Examiner.

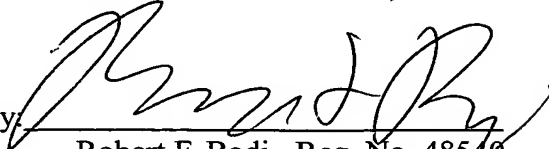
In consideration of the foregoing analysis, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

Appl. No. 10/621,476
Amdt. Dated December 10, 2004
Reply to Office action of September 15, 2004

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. 35624.

Respectfully submitted,

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